

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, COLUMBUS DIVISION**

C.A.P. v. Warden, Stewart Detention Center, et al.

C.A.P. · No. 4:25-cv-496-CDL-AGH · Decided December 30, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION C.A.P.,: Petitioner,: v.: Case No. 4:25-cv-496-CDL-AGH: 28 U.S.C. §
2241 Warden, STEWART DETENTION: CENTER, et al.,: Respondents.:
_____ ORDER Based on the present record, the Court finds
that Petitioner is not a class member of the Bond Eligible Class certified in Maldonado Bautista v.
Santacruz, No. 5:25-CV- 01873-SSS-BFM, 2025 WL 3288403 (C.D.

Cal. Nov. 25, 2025) because Petitioner was apprehended on arrival in the United States and the
certified class is defined to include only noncitizens who “were not or will not be apprehended
upon arrival.” Id. at *9.

The Court further finds that Petitioner is currently detained under 8 U.S.C. § 1226(a) and that
Petitioner is not subject to mandatory detention. See J.A.M. v. Streeval, No. 4:25- CV-342-CDL,
2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); P.R.S. v. Streeval, No. 4:25- CV-330-CDL, 2025 WL
3269947 (M.D. Ga. Nov. 24, 2025).

Accordingly, Petitioner’s motion for habeas corpus relief is granted to the extent that Respondents
shall provide Petitioner with a bond hearing to determine if Petitioner may be released on bond
under § 1226(a)(2) and the applicable regulations. See 8 C.F.R. §§ 236.1 & 1236.1.1 1 The brevity
of this order is appropriate given that the issue presented is exactly the same as the issue
previously decided on numerous occasions by the Court and yet Respondents insist upon denying
the relief that the Court has found is required.

IT IS SO ORDERED, this 29th day of December, 2025. s/Clay D. Land CLAY D. LAND U.S.
DISTRICT COURT JUDGE MIDDLE DISTRICT OF GEORGIA